

# Fiscal Note

State of Alaska  
2019 Legislative Session

Bill Version:	SCS CSHB 14(FIN)
Fiscal Note Number:	10
(S) Publish Date:	5/6/2019

Identifier: HB14CS(STA)-DOC-IDO-05-05-19  
Title: ASSAULT; SEX OFFENSES; SENT.  
AGGRAVATOR  
Sponsor: LINCOLN  
Requester: (S)FIN

Department: Department of Corrections  
Appropriation: Population Management  
Allocation: Institution Director's Office  
OMB Component Number: 1381

## Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2020 Appropriation Requested	Included in Governor's FY2020 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2020	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous	524.5		571.0	617.5	617.5	654.7	710.4
<b>Total Operating</b>	<b>524.5</b>	<b>0.0</b>	<b>571.0</b>	<b>617.5</b>	<b>617.5</b>	<b>654.7</b>	<b>710.4</b>

## Fund Source (Operating Only)

1004 Gen Fund (UGF)	524.5		571.0	617.5	617.5	654.7	710.4
<b>Total</b>	<b>524.5</b>	<b>0.0</b>	<b>571.0</b>	<b>617.5</b>	<b>617.5</b>	<b>654.7</b>	<b>710.4</b>

## Positions

Full-time							
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2019) cost:** 0.0 (separate supplemental appropriation required)

**Estimated CAPITAL (FY2020) cost:** 0.0 (separate capital appropriation required)

**Does the bill create or modify a new fund or account?** No  
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

## ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

## Why this fiscal note differs from previous version/comments:

Updated to reflect changes in CS and change to marginal rate use. Based on the 2.13.19 Governor's FY2020 request.

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Agency: Office of Management and Budget

Phone: (907)465-3311  
Date: 05/05/2019 05:00 PM  
Date: 05/05/19

REPORTED OUT OF  
SFC 05/06/2019

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
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## Analysis

This bill adds language expanding the definition of assault in the first degree to include causing someone to become unconscious with a dangerous instrument (including hands and other body parts). The department has an average of 113 inmates incarcerated for assault in the first degree each year. The average length of stay for assault in the first degree is 1,611 days (4.4 years). The department projects an increase in inmates as a result of this change: year 1 has no projected increase; year 2 an increase of 2.83 inmates; year 3 and subsequent years an increase of 5.66 inmates.

This bill adds language that makes causing someone to become unconscious by means of a dangerous instrument as an aggravator for assault in the first degree allowing sentences above the presumptive range. The department has an average of 113 inmates incarcerated for assault in the first degree each year. The average length of stay for assault in the first degree is 1,611 days (4.4 years). The department projects five percent (5.66 offenders) of assault in the first degree inmates will be convicted under this presumptive sentence adjustment and projects an average increase of one year of incarceration as a result of this change: years 1-4 have no projected increase; year 5 an increase of 2.27 inmates; year 6 an increase of 5.66 inmates.

This bill eliminates credit granted against a sentence of imprisonment for time spent on electronic monitoring (EM) for some offenses while allowing credit for residential treatment for non-sex offense defendants. The department assumes that all credit previously granted will now be served in a facility. In CY2018 2,050 individuals spent at least one day on EM. The department projects 363 defendants who had received credit for EM will spend an average of 36.6 days incarcerated. The department projects this will result in an increase in the daily average prison population of 35.5 inmates in year 1 and subsequent years. The department does not have data on the number of defendants who qualify for and then attend residential treatment while awaiting trial. Defendants awaiting trial may not be ordered to treatment and not all may have time to enter and complete treatment before their trial. Given these limitations, the department projects the ability to receive credit for residential substance abuse treatment will reduce the impact by 10 percent. This results in a projected increase to the daily inmate population of 32 inmates each year.

This bill projects an increase in the inmate population of 32.0 inmates in the first year, 34.8 inmates in the second year, 37.6 inmates in the third and fourth years, 39.9 inmates in the fifth year, and 43.3 inmates in the sixth year. Because the projected additional inmates do not push the department beyond its current capacity, the cost for the additional inmates is calculated at the marginal rate of \$44.98 per day per inmate. Thus the cost for year 1 is \$524.5, year 2 cost is \$571.0, year 3 and 4 costs are \$617.5, year 5 cost is \$654.7, and year 6 cost is \$710.4.